Would any one suppose from this that the fact of the woman's being an adulteress rested not on the "thought" of a judge "seized with a frenzy," but on her confession in open court; that it was proved and had to be admitted by her counsel and herself that she did buy fly-papers for the purpose of preparing a solution of arsenic, and did prepare such a solution; and that she put a white powder into a bottle of liquid food in which arsenic was detected. Her excuse was that she wanted the solution of arsenic as a cosmetic, and that her husband told her to put in the powder. The jury did not believe her, and in view of the fact that on a Wednesday when the doctor considered that her husband was recovering from an attack of nervous dyspepsia she wrote to her paramour that her husband was "sick unto death," and that her husband did die on Friday, it would have been strange if they had believed her.

On p. 138, Professor Kinkead says, "inspired by a spirit of patriotism, if for no other reason, Americans should lay claims of superiority to [*sic*] its governmental and legal systems." This is an odd bit of chauvinism to find in a treatise on jurisprudence. Yet the English can doubtless learn many things from us to their advantage. But we are afraid a steady and unhysterical administration of criminal law is not among them.

It is the just boast of the English courts that on the trial of an indictment even-handed justice is dealt out without regard to looks or education or station. The judge holds the jury up to the law and the facts. "A beautiful, cultured, highly connected lady" related to a Chief Justice and other prominent people, who murders by poison, runs as good a chance of conviction as an ugly, ignorant, friendless man who is cousin to nobody. We regret to say that might not be universally true in this country.

Mr. Kinkead's treatment of the Maybrick case is an odd sequel to a discussion on the identity of law and ethics.

It is only fair to say, however, that we have observed nothing else so bad in the book. J. C. G.

AN ESSAY ON THE PRINCIPLES OF CIRCUMSTANTIAL EVIDENCE, illustrated by Numerous Cases. By William Wills. Fifth English Edition of 1902, edited by Sir Alfred Wills, with American Notes by George E. Beers and Arthur L. Corbin. Boston: Boston Book Co. 1905. pp. xiii, 448, and about 150 extra lettered pages with the American Notes. 8vo.

It is good to have this book renewed in life. It now enters on its third generation, and the English editor has carefully preserved its freshness by adding new illustrations drawn chiefly from the reports in the Old Bailey Papers and the London *Times* during the last forty years. First published in 1838, it became famous abroad as well as at home, and has long served as an arsenal for countless forensic arguments and as a *vade mecum* for criminal practitioners. There is a sentimental touch in the circumstance that this English edition comes from the hand of the author's son, now a judge, and that two of his grandsons, one a medical man and the other a barrister, have assisted in the work.

We are glad to notice that in the preface the English editor properly pillories the flagrant literary looting done in 1896 by an American treatise entitled "A Treatise on the Law of Circumstantial Evidence, by Arthur P. *Will*, of the Chicago Bar." It was remarkable enough that a person of that name should be drawn to write a book on the same subject and under the same title as this already famous book by the author *Wills*. We thought so at the time, and have more than once publicly commented on the moral aspect of such a course. But it now further appears, from Justice Wills' preface, that this American book of 1896, out of 315 pages in the English Book of 1862, appropriated bodily all but 6 pages of a statutory tenor and 365 *lines* of the remainder. We trust that every library which contains the American piracy will now throw it into the waste-basket, mark out the title in the catalogue, and put the present work

in its place. There are two or three other works which ought to be similarly excommunicated, — but that is another story.

The English editor has well perpetuated the spirit of the original by his illustrations from modern trials. The footprints, the bloodstains, the laundry numbers on the linen, the arsenic in the tarts, the water-mark on the paper, and the ballad in the bullet-wad, — these familiar stage-accessories of crime and detection reappear in new varieties to illustrate and to convince. Of course, we are opposed to the plan here followed of interpolating additions to a classical treatise without printers' marks to attribute *suum cuique;* but that is a minor matter. The usefulness of the book has been preserved as well as though it were just written.

The American Notes, which are placed at the end of each chapter and make about one-fourth of the book, have collated a large number of American decisions ranging over the whole subject, — how many cannot be told, for by some oddity there is no table of cases. It would seem that they have not been adequately worked over to form a real commentary on the text, and they also seem scrappy; for example, at p. 32 the author says that Coke's old distinction of presumption as "violent or necessary, probable or grave, and slight," is "specious and fanciful, rather than practical and real"; and yet at p. 422 *a* the American note quotes in full, from an old opinion of Walworth, in New York, somewhere back in 1840, an elaborate statement of the same worn-out distinction, without comment or cross-reference. Moreover, the reader should not be left ignorant of the modern repudiation of the prevailing use of "presumption" as meaning "inference" in the author's day.

But the chief disappointment is that the American Notes do not fit the spirit of the original book. Apart from the Molineux case, and a few others, the Notes consist merely of citations of decisions on abstract rules of law. Now the main virtue of the book has always lain in its copious illustrations of the probative force of different circumstances of inference, regardless of the rules of evidence. In the American annals there is a vast wealth of such illustrations. Some day a book founded on a thorough search of this material will do for us the same service which the original book has done for England. J. H. W.

A TREATISE ON THE PRINCIPLES AND PRACTICE OF THE ACTION OF EJECTMENT AND STATUTORY SUBSTITUTES. By Geo. W. Warvelle. Chicago: T. H. Flood and Company. 1905. pp. lviii, 679. 8vo.

As the scope of this excellent work is much broader than its title suggests (since it treats adequately the entire subject of trial of disputed land titles), it will unquestionably be found of great assistance to members of the legal profession engaged in any kind of litigation involving this branch of the law, especially in the preparation of their cases for trial. Examination of the book, we are pleased to say, shows it to be a clearly written and intelligent piece of work, bearing evidence of painstaking research and careful study on the part of the author, and confirms the statement of the author in his preface, that "the work is essentially a treatise, not a digest." In this latter respect, happily, it differs from many recent so-called text-books, which appear to be mere compilations of headnotes and digest paragraphs, thrown together with some attempt, — though often very slight, — at topical arrangement.

A few of the author's statements of law call for comment. Thus the statement on p. 440 that "even at common law a bastard might inherit from his mother" we think is not supported by the authorities. See COM. DIG., Bastard (E), Descent (C) 12; 1 BL. COM., Bk. I., ch. 16, *459; 4 KENT COM. *413. Again at p. 368, as we understand the text, the author says that if a will has once been admitted to probate and is thereafter lost or destroyed, its contents may be proved by parol evidence; but "if the will had not been admitted to probate, no testimony concerning it should be received." It is well settled